EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

ALLIANZ GLOBAL RISKS U.S. INSURANCE COMPANY, as subrogee of Buffets Holdings, Inc.,

Plaintiff,

v.

NOVAK CONSTRUCTION,

Defendant.

No.: 07 C 7149

Honorable: Samuel Der-Yeghiayan

AFFIDAVIT OF WARREN MILLER

STATE OF CALIFORNIA)
) §
COUNTY OF __________)

BEFORE ME, the undersigned authority, personally appeared Warren Miller, who, after being duly sworn, did depose and state:

1. I am over the age of 18 and fully competent to execute this affidavit.

2. The statements made below are within my personal knowledge.

3. I am a Senior Subrogation Examiner for Allianz Global Risk US Insurance Company. My business address is 2350 Empire Avenue, Burbank, California.

4. If called to testify in Court, I could testify competently to the facts stated herein.

5. Allianz Global Risks US Insurance Company is (and was at the time of the incident that is the subject of this lawsuit) a California Corporation, having its principal place of business located in Burbank, California.

6. Allianz Global Risks US Insurance Company provided property insurance to Buffets Holdings pursuant to policy number CLP 3005711.

7. Buffets Holdings made a claim to Allianz Global Risks US Insurance Company as a result of a March 12, 2006 fire at the facility located at 445 Palatine Road in Arlington Heights, Illinois.

8. As a result of this claim, Allianz paid to Buffets Holdings $151,628.95.

FURTHER AFFIANT SAYETH NOT.

Warren Miller

Sworn to and subscribed before me
this 13TH day of March, 2008

Notary Public
LOS ANGELES County, California
My Commission Expires: JUNE 19, 2010

LESLIE PINEDA
COMM. # 1677281
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Comm. Expires June 19, 2010
VRS1

00178385

State of California)
County of LOS ANGELES

On MARCH 13th 2008 before me, LESLIE PINEDA (here insert name and title of the officer), personally appeared WARREN MILLER who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ______________________ (Seal)

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